

REMARKS

I. Status of the Claims

By this Amendment, claims 1, 7, 8, and 10 have been amended and new claims 12 and 13 have been added. Thus, claims 1-13 are pending.

II. Claim Rejections Under 35 U.S.C. § 103

A. Claims 1-6, 9, 10, 12, and 13 are patentable over DeWitt and Stevens

In the Office Action, claims 1-6, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,613,998 to DeWitt et al. in view of U.S. Patent No. 5,460,273 to Stevens et al. As explained below, this rejection should be withdrawn. With respect to claims 12 and 13, Applicant respectfully submits they are patentable over DeWitt and Stevens.

According to M.P.E.P. § 2143.03 (citing In re Royka, 180 USPQ 580 (CCPA 1974)), “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” Because DeWitt and Stevens fail to teach or suggest Applicant’s claimed combination recited in independent claims 1, 12, and 13, Applicant respectfully submits that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

DeWitt teaches a “mail processing device 10” (DeWitt at col. 2, lines 61-62) having a “feeder 30” (Id. at col. 5, line 6), an “imaging section 45” (Id. at line 28), a “buffer 50” (Id. at col. 6, line 18), a “printer 70” (Id. at col. 7, line 18), a “verifier 85” (Id. at line 39), and a “stacker 95” (Id. at line 55).

DeWitt fails to teach or suggest Applicant’s claimed combination recited in claim 1, including at least “a pivotally-mounted friction belt positioned with respect to said

hopper such that an item in said hopper is substantially fully engaged along its length when said pivotally-mounted friction belt is in a fully unpivoted position and such that an item in said hopper is engaged only at a leading end thereof when said pivotally-mounted friction belt is in a fully pivoted position.” Applicant notes that the “feeder 30” of DeWitt is described at col. 4, lines 40-48 and shown in Figs. 1, 2, 4, and 5.

Further, DeWitt fails to teach or suggest Applicant’s claimed combination recited in claim 12, including at least “a plurality of elongate O-rings rotatably mounted on said elongate discharge apparatus along said second path of travel in parallel, vertically spaced apart relation to one another” and “resiliency of each O-ring of said first plurality of O-rings snapping a trailing end of each item back into the second path of travel as each item clears the protruding rollers so that the trailing end of a lead item does not interfere with a leading end of an item in trailing relation to said lead item.” In particular, DeWitt provides no teaching or suggestion of “O-rings” or any other structure having “resiliency” for “snapping a trailing end of each item,” as claimed. Further, according to the description of the “stacker 95” of DeWitt (col. 7, lines 55-64 and Fig. 3), there is no structure that would provide for “snapping” of a trailing edge of an item.

Finally, DeWitt fails to teach or suggest Applicant’s claimed combination recited in claim 13, including at least “an air nozzle mounted downstream of said protruding rollers, between said protruding rollers and said nip,” “said air nozzle applying a positive air pressure to respective flaps of envelopes as respective trailing ends of said envelopes clear said protruding rollers,” and “said respective flaps are pushed into overlying relation to a main body of said envelopes so that said flaps are not rammed by the flaps of trailing items.” This shortcoming of DeWitt was at least partially

acknowledged in the Office Action by the indication of allowable subject matter for as-filed claim 8.

Stevens, cited for its teaching of the “interchangeability of the U-shape conveyor layout to the ‘in line’ configuration,” fails to overcome the deficiencies of De Witt discussed above.

Because the combined teachings of DeWitt and Stevens fail to teach or suggest Applicant’s claimed combination recited in independent claims 1, 12, and 13, as required by M.P.E.P. § 2143, Applicant respectfully submits that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

B. Other Cited References

As discussed above, claims 1, 12, and 13 are patentable over DeWitt and Stevens. Gafner and Kechel do not supply the above-noted deficiencies of DeWitt and Stevens.

Applicant respectfully submits that claims 1, 12, and 13 are patentable over the references applied in the Office Action. Claims 2-11 depend directly or indirectly from independent claim 1 and therefore should be allowable for at least the same reasons claim 1 is allowable.

III. Conclusion

Applicant respectfully requests that the Examiner reconsider this application, withdraw the claim rejections, and allow the pending claims in a timely manner.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 16-1885.

Respectfully submitted,

/Christopher H. Kirkman/
Christopher H. Kirkman
Reg. No. 46,223
Attorney for Applicants
Telephone: (203) 924-3852

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
MSC 26-22
Shelton, CT 06484-8000